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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,894	05/22/2000	Phillip G. Rorex	9623/179	2173

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EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,894

Applicant(s)

ROREX ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,7,9. 6) ☐ Other: _____

DETAILED ACTION

Compact Disc Submission

1. The description portion of this application contains a computer program listing consisting of more than three hundred (300) lines. In accordance with 37 CFR 1.96(c), a computer program listing printout of more than three hundred lines must be submitted as a computer program listing appendix on **compact disc** conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(4)). Accordingly, applicant is required to cancel the computer program listing appearing in the specification on pages A1 to A38, file a computer program listing appendix on **compact disc** in compliance with 37 CFR 1.96(c) and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

Drawings

2. Applicant's submission of Formal Drawings were received on 8/13/2002. These drawings are accepted.

Specification

3. The use of the trademark "JAVA" has been noted in this application (Page 9, line 17). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-22 are rejected under 35 U.S.C. 102(e)** as being anticipated by Ryan et al (US 6,421,675 B1), hereinafter referred to as "Ryan".

As per claim 1, Ryan teaches a method of generating a search result list, the method comprising:

- "receiving a search request from a searcher; in a pay for performance database including a plurality of search listings" at Col. 4 lines 30-32 and Fig. 1, step 18;
- "identifying search listings generating a match with the search request" at Col. 4 lines 32-36 and Fig. 1, step 20;

- “in a related search database including related search listing generated from the database, identifying related search listings relevant to the search request; and returning a search result list to the searcher including one or more of the identified related search listings” at Col. 4 lines 42-52 and Fig. 1, steps 32 and 38;
- “returning a search result list to the searcher including the identified search listings and one or more of the identified related search listings” at Col. 5 line 55-65 and Fig. 1, steps 22, 24, 26, 32 and 38.

As per claim 2, Ryan teaches the method of claim 1 wherein identifying related search listings comprises:

- “searching an inverted index of the pay for performance database” at Col. 27 lines 55-67;
- “searching an index of meta-information based on the pay for performance database” at Col. 31 lines 25-50.

As per claim 3, Ryan teaches the method of claim 1 further comprising:

- “sorting the identified related search listings by relevancy to the search request” at Col. 31 lines 25-50;
- “selecting a predetermined number of the identified related search listings as most relevant related search listings” at Col. 29 lines 10-20;
- “returning the most relevant related search listings in the search result list.” at Col. 35 lines 24-32.

As per claim 4, Ryan teaches the method of claim 3 wherein sorting comprises:

- “selecting the identified related search listings according to frequency of occurrence of a queried term from the search request in the related search listings” at Col. 34 lines 35-55.

As per claim 5, Ryan teaches the method of claim 3 wherein sorting comprises:

- “selecting the identified related search listings according to proximity of one or more queried terms from the search request in the related search listings” at Col. 29 lines 10-20.

As per claim 6, Ryan teaches the method of claim 3 wherein sorting comprises:

- “weighting the related search listings according to predetermined weighting criteria” at Col. 31 lines 25-50;
- “selecting the identified related search listings according to the weighting of the related search listings” at Col. 35 lines 25-30.

As per claim 7, Ryan teaches the method of claim 6 wherein weighting the related search listings comprises: “increasing relative weighting of a related search listing which includes one or more bided search terms identified by an advertiser” at Col. 31 lines 25-50 .

As per claim 8, Ryan teaches the method of claim 6 wherein “weighting the related search listings comprises: increasing relative weighting of a related search listing which is contained in a description of a search listing identified by an advertiser” at Col. 1 lines 45-67.

As per claim 9, Ryan teaches the method of claim 6 wherein “weighting the related search listings comprises: increasing relative weighting of a related search

listing which is contained in a title of a search listing identified by an advertiser” at Col. 1 lines 45-67.

As per claim 10, Ryan teaches the method of claim 6 wherein “weighting the related search listings comprises: increasing relative weighting of a related search listing which is contained in metatag keywords of a web page maintained by an advertiser” at Col. 28 lines 15-55.

As per claim 11, Ryan teaches the method of claim 6 wherein “weighting the related search listings comprises: increasing relative weighting of a related search listing which is contained in text data of a web page maintained by an advertiser” at Col. 31 lines 20-45.

As per claim 12, Ryan teaches the method of claim 3 wherein

- “sorting comprises: ranking the related search listings according to spread of the related search listings” at Col. 28 lines 18-45; and
- “selecting the identified related search listings according to the ranking of the related search listings” at Col. 28 lines 18-45.

As per claim 13, Ryan teaches the method of claim 12 wherein ranking comprises:

- “identifying key information contained in the related search listings” at Col. 33 lines 35-55;
- “increasing ranking of a related search listing according to presence of the key information in the related search listing” at Col. 31 lines 20-45.

As per claim 14, Ryan teaches the method of claim 13 wherein “identifying key information comprises: detecting fielded advertiser data in the related search listing; and detecting crawled data in the related search listing” at Col 19 lines 1-55.

As per claim 15, Ryan teaches a system comprising:

- “a pay for performance database” at Col. 5 lines 47-65;
- “a related search database formed at least in part using the pay for performance database” at Col. 5 lines 59-64;
- “a server coupled with the pay for performance database and the related search database, the server operative to select a first set of search results from the pay for performance database and a second set of search results from the related search database in response to a search request from a searcher” at Col. 4 lines 20-55 and Fig. 1.

As per claim 16, Ryan teaches the system of claim 15 wherein the pay for performance database comprises: “a plurality of search listings, each search listing including a search term, a bid amount, and a Uniform Resource Locator corresponding to an address of a document on a network server remote from the system” at Col. 22 lines 49-55.

As per claim 17, Ryan teaches the system of claim 16 wherein the related search database comprises: “a plurality of related search listings, each related search listing including a keyword associated with one document of the pay for performance database and text of the one document” at Col. 31 lines 25-50.

As per claim 18, Ryan teaches the system of claim 17 wherein each search listing of the plurality of search listings further comprises: descriptive text describing the one document, a title, and metatags associated with the document” at Col. 18 lines 35-55.

As per claim 19, Ryan teaches the system of claim 18 wherein each search listing comprises: “the descriptive text associated with the one document, the title associated with the one document, the metatags associated with the one document.” at Col. 18 lines 35-55.

As per claim 20, Ryan teaches a method for forming a related searches database comprising:

- “storing as a related search database entry text from each web page referenced by a search listing of the pay for performance database” at Col. 19 lines 24-38;
- “creating an inverted index for the related search database entries” at col. 20 lines 20-65;
- “creating an index for key information associated with each search listing of the pay for performance database” at Col. 20 lines 20-65.

As per claim 21, Ryan teaches the method of claim 20 wherein storing comprises: “identifying similar web pages responsive to root path components and query arguments of Uniform Resource Locators for two or more web pages referenced by search listings of the pay for performance database; rejecting for storage similar web pages” at Col. 19 lines 1-12.

As per claim 22, Ryan teaches the method of claim 21, wherein identifying similar web pages comprises: “identifying first key words of a first web page, identifying second key words of a second web page, comparing the first key words and the second key words, when the first key words and the second key words have a predetermined relationship, identifying the first web page and the second web page as similar web pages” at Col. 19 lines 1-12.

6. **Claims 23-25 are rejected under 35 U.S.C. 102(a)** as being anticipated by Goodman (US 5,999,929 A), hereinafter referred to as Goodman.

As per claim 23, Goodman teaches a method for searching data in a database including internet data from internet web sites, the method comprising:

- “forming a list of uniform resource locators (URLs) associated with internet web sites to be accessed” at Col. 3 lines 10-15;
- “removing duplicate URLs from the list if a URL on the list is similar to another URL on the list” at Col. 5 lines 10-20;
- “crawling a predetermined number of potentially duplicate URLs; comparing bodies of the URL on the list and the potentially duplicate URLs” at Col. 4 line 60 to Col. 5 line 4;
- “if the body of the URL on the list is similar to the body of the potentially duplicate URL, suspending crawling of the potentially duplicate URLs, and storing the body of the URL on the list in the database for subsequent search” at Col. 7 lines 50-60.

As per claim 24, Goodman teaches the method of claim 23 further comprising:
“comparing a selected URL with other URLs on the list; and determining the URL is similar to the other URL on the list when the URL has a predetermined text portion in common with the other URL on the list” at Col. 7 lines 25-50.

As per claim 25, Goodman teaches the method of claim 23 wherein

- “comparing bodies of the URL on the list and the potentially duplicate URLs comprises: comparing text from the URL on the list and text from one potentially duplicate URL” at Col. 7 lines 25-50 ; and
- “determining the URL on the list is similar to the one potentially duplicate URL when the text from the URL on the list and the text from the one potentially duplicate URL have a predetermined text portion in common” at Col. 7 lines 25-65.

Conclusion

7. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(703) 305-9601** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240.

Khanh B. Pham
Examiner
Art Unit 2177

KBP
May 2, 2003


JEAN R. HOMERE
PRIMARY EXAMINER